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August 6, 2008

MCFADDEN, FINCHAM
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Application No. : **2,628,864**
Owner : UNITTA COMPANY
Title : THIN AUTOTENSIONER
Classification : F16H 7/08 (2006.01)
Your File No. : **06104-0010.1DIV DS/sdy**
Examiner : B. A. Dmochowski P. Eng.

YOU ARE HEREBY NOTIFIED OF A REQUISITION BY THE EXAMINER IN ACCORDANCE WITH SUBSECTION 30(2) OF THE *PATENT RULES*. IN ORDER TO AVOID ABANDONMENT UNDER PARAGRAPH 73(1)(A) OF THE *PATENT ACT*, A WRITTEN REPLY MUST BE RECEIVED WITHIN 6 MONTHS AFTER THE ABOVE DATE.

This application has been examined as originally filed.

The number of claims in this application is 9.

The examiner has identified the following defects in the application:

A search of the following areas was performed: Techsource, Inpadoc, IPC, CPC and Delphion. The following documents were identified by word searching in the Techsource data base.

The search of the prior art has revealed the following:

Reference Applied:

Canadian Patent

2,243,360

03/04/1999

Bakker

Bakker discloses a belt tensioner comprising a base (42) having a first tubular part (36); a rocking arm (28) that has a second tubular part (46); a friction member (52) that is provided between the first and second tubular parts. The coil spring (88, 98) with one end attached to the base and the second to the arm is shown in figs. 1, 2, 3.

Claims 1 and 2 do not comply with section 28.3 of the *Patent Act*. The subject matter of these claims would have been obvious on the claim date to a person skilled in the art or science to which they pertain having regard to Bakker.

The method of installing a coil spring, as recited in claim 1, has been well known in the art since the spring invention.

Claims 3 to 6 and 8 do not comply with paragraph 28.2(1)(b) of the *Patent Act*. Bakker disclosed the claimed subject matter before the claim date.

Claim 9 does not comply with section 28.3 of the *Patent Act*. The subject matter of this claim would have been obvious on the claim date to a person skilled in the art or science to which it pertains having regard to Bakker. The mere carrying forward of the original thought a change only in material, doing the same thing in the same way, by substantially the same means, with better results is not such an invention which would sustain a patent.

Claim 3 encompasses embodiments which cannot operate properly, and therefore does not comply with section 2 of the *Patent Act*. It can not be seen how the friction member can brake the rocking arm without the torsion spring.

In view of the foregoing defects, the applicant is requisitioned, under subsection 30(2) of the *Patent Rules*, to amend the application in order to comply with the *Patent Act* and the *Patent Rules* or to provide arguments as to why the application does comply.

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